



California Regulatory Notice Register

REGISTER 2007, NO. 38-Z

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Codes — Notice File No. Z07-0910-02 1555

STATE AGENCY: Department of Fair Employment and Housing

Department of California Highway Patrol

MULTI-COUNTY: North Valley Schools Insurance Group

TITLE 2. FOUNDATION FOR CALIFORNIA COMMUNITY COLLEGES

Conflict of Interest Code — Notice File No. Z07-0910-04 1556

TITLE 4. CALIFORNIA HORSE RACING BOARD

Paymaster of Purses — Notice File No. Z07-0911-05 1556

TITLE 4. CALIFORNIA HORSE RACING BOARD

Unlimited Sweepstakes — Pick (N) Pool — Pick Four — Notice File No. Z07-0911-04 1558

TITLE 20. CALIFORNIA ENERGY COMMISSION

Electric Transmission Corridor Designation Process — Notice File No. Z07-0911-09 1561

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Joe Serna Farmworker Housing Grant Program — Notice File No. Z07-0911-08 1564

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

Standing Referral to HIV/AIDS Specialist — Notice File No. Z07-0911-06 1568

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

Errata Concerning Proposed Regulations to Reduce Emissions From Diesel Engines on

Commercial Harbor Craft Originally Published on September 7, 2007 1570

DEPARTMENT OF PUBLIC HEALTH

Preventive Health and Health Services Block Grant 1571

(Continued on next page)

***Time-
Dated
Material***

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

<i>Notice of Proposed Settlement Regarding a Prospective Purchaser Agreement (PPA) Between Department of Toxic Substances Control and California Greenhills Lakes.</i>	1571
--	------

FISH AND GAME COMMISSION

<i>Notice of Receipt of Petition from the Center for Biological Diversity to List the American Pika (Ochotona Princeps) as a Threatened Species</i>	1572
---	------

PHYSICAL THERAPY BOARD

<i>Notice of Extension of Public Comment Period Regarding the Citation and Fine, Title 16 CCR 1399.26</i>	1572
---	------

OAL REGULATORY DETERMINATION

CALIFORNIA MEN’S COLONY

<i>Memorandum Dated June 12, 2007, entitled Administrative Segregation Unit Central Cell Interior Lights CTU No. 07–0719–01</i>	1572
---	------

CALIFORNIA STATE PRISON, CORCORAN

<i>Supplement Issued by California State Prison, Corcoran, Regarding Legal Copy Services, Legal Documents and Non–Legal Documents — CTU No. 07–0813–01</i>	1574
--	------

CALIFORNIA STATE PRISON, CORCORAN

<i>Supplement Issued by California State Prison, Corcoran, Regarding Legal Copy Services, Legal Documents and Non–Legal Documents — CTU No. 07–0817–01</i>	1575
--	------

CALIFORNIA STATE PRISON, SACRAMENTO

<i>Operational Procedure 143 Concerning Video Arrangements — CTU No. 07–0726–02</i>	1576
---	------

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	1578
Sections Filed, April 11, 2007 to September 12, 2007	1580

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY: Department of Fair
Employment and Housing
Department of California
Highway Patrol

MULTI-COUNTY: North Valley Schools Insurance
Group

A written comment period has been established commencing on **September 21, 2007**, and closing on **November 5, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 5, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FOUNDATION FOR CALIFORNIA COMMUNITY COLLEGES

NOTICE OF INTENTION TO ADOPT OR AMEND A CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Foundation for California Community Colleges intends to adopt a conflict-of-interest code pursuant to Government Code Section 87300 and 87306. Pursuant to Government Code Section 87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on September 21, 2007 and terminating on November 20, 2007. Any interested person may present written comments concerning the proposed code no later than November 20, 2007 to the Foundation for California Community Colleges at 1102 Q Street, Sacramento, California, 95814. No public hearing on this matter will be held unless any interested person or his or her representative requests no later than 15 days prior to the close of the written comment period, a public hearing.

The Foundation for California Community Colleges has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

The proposed code designates Foundation employees who must file the Statement of Economic Interest (FPPC Form 700) and what kinds of economic interests they must disclose. In general, board members and senior managers from the CEO, CFO, all vice-presidents, staff directors and all consultants must file the disclosure statement. An appendix describing the jobs of the employees who must disclose is attached to the proposed code.

The adoption of the proposed code will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; it will not result in any non-discretionary cost or savings to local agencies; it will not result in any cost or savings in federal funding to the

state; it will not impose a mandate on local agencies or school districts; and it will not have any potential cost impact on private persons or businesses including small businesses.

No alternative to adoption of the proposed code would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed code adoption.

Copies of the proposed code and all of the information upon which it is based may be obtained from the Foundation for California Community Colleges at 1102 Q Street, Sacramento, California, 95814. Any inquiries concerning the proposed code should be directed to Nick Rosso, Foundation for California Community Colleges at 1102 Q Street, Sacramento, California, 95814, or by calling him at 916.325.0854 or emailing him at nrosso@foundationccc.org.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1467. PAYMASTER OF PURSES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1467 of the California Code of Regulations, Title 4, Division 4. The proposed amendment requires the paymaster of purses to deduct 0.3 percent of the net purse earned by any thoroughbred horse at a thoroughbred racing association or racing fair for deposit into the California Retirement Management Account (CARMA). A horse owner may prevent the paymaster of purses from depositing the 0.3 percent of the net purse winnings into the CARMA by submitting a form CHRB-206 (New 09/07) Notification of Exclusion of CARMA Contribution.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, November 29, 2007**, or as soon after that as business before the Board will permit, at the **University of California (UC) Davis I.M. Gary Gourley Laboratory, Garrod Road, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action de-

scribed in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on November 5, 2007**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6022
E-mail: HaroldA@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440 Business and Professions (B&P) Code.

Reference: Sections 19433 and 19434 B&P Code.

B&P Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific sections 19433 and 19434 B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held, and over all persons or things having to do with the operation of such meetings, is vested in the Board. B&P Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19433 states the Board may visit, investigate, and place expert accountants and such other persons as it may deem necessary in the office, track, or other place of business of any licensee for the purpose of satisfying itself that its rules and regulations are strictly complied with. B&P Code Section 19434 provides that the Board may require that the books and fi-

nancial or other statements of any person licensed under this chapter shall be kept in any manner, which to the Board seem best.

Rule 1467 describes the duties of the paymaster of purses. The proposed amendment to Rule 1467 expands the duties of the paymaster to include disbursement of 0.3 percent of the net purse earned by any thoroughbred horse at a thoroughbred race meeting or at a racing fair meeting to CARMA. The new duties were added at the request of the Thoroughbred Owners of California to help address the growing problem of under funded racehorse retirement/rehabilitation farms. Horse owners may elect not to have the 0.3 percent deducted by the paymaster by filling out form CHRB-206 (New 09/07), Notification Of Exclusion Of CARMA Contribution, which is incorporated by reference into Rule 1467. The form directs the paymaster to refrain from deducting 0.3 percent of the net purse earned by any horse in which the owner has an interest. This prevents an owner of multiple horses from "picking and choosing" and simplifies the work of the paymaster. The form is valid only at the track where it is submitted, as the same paymaster might not work at a subsequent meeting, and the owners' accounts are not electronically connected between the various racing associations.

The proposed amendment establishes that CARMA funds shall be distributed to racehorse retirement/rehabilitation farms at least on an annual basis, and provides the minimum qualifications for such facilities to receive such funds. The proposed amendment also states that the horsemen's organization shall provide the Board with an audited financial statement within 90 days of the close of its fiscal year.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1467 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment to Rule 1467 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1467 does not affect small businesses because thoroughbred horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The Rule sets forth the duties of the paymaster of purses at horse racing associations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail : HaroldA@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rule-

making process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact persons at the address, phone numbers, or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes clearly marked — shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1976. UNLIMITED SWEEPSTAKES RULE 1976.9 PICK (N) POOL RULE 1978. PICK FOUR

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1976, Unlimited Sweepstakes; Rule 1976.9, Pick (n) Pool and Rule 1978, Pick Four. The proposed amendment provides proportionate payouts in the event of a dead heat for first place. Presently horses finishing in a dead heat are considered equal in the payouts regardless of the odds for each horse involved. The proposed amendment would distribute the payouts proportionately based on the odds for each horse involved in a dead heat for first place.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, November 29, 2007**, or as soon after that as business before the Board will permit, at the **University of California (UC) Davis, I.M. Gary Gurley Laboratory, Garrod Road, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on November 5, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Andrea Ogden, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6033
Fax: (916) 263-6022
E-Mail: andreaog@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440 and 19590, Business and Professions (B&P) Code. Reference: Sections 19590 and 19593 B&P Code.

B&P Code Sections 19420, 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19590 B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19420 provides that the Board shall have jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. B&P Code Section 19440 states the Board shall have all powers necessary and proper to enable it to adopt rules and regulations for the protection of the public and the control of horse racing. B&P Code Section 19590 provides that the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. B&P Code Section 19593 states no method of betting, pool making, or wagering other than by the pari-mutuel method shall be permitted or used by any person licensed under this chapter to conduct a horse racing meeting.

The proposed amendment is based on the recommendations submitted by the National Thoroughbred Racing Association (NTRA) Players Panel. The NTRA is an advisory body charged with making policy recommendations of importance to bettors. The NTRA Panel voiced its concerns regarding uneven payouts when a dead heat for first place occurs. The current payouts for dead heat first place finishes were not popular with the wagering fans. They preferred the proportionate payout for dead heat first place finishes provided with Rule 1957, Daily Double and Rule 1977, Pick Three. Rules 1976, 1976.9 and 1978 provide equal payouts to dead heat horses regardless of the actual odds for each horse involved. This payout allocation is "unfair" to the bettors who had selected the more difficult odds of the two conditional probabilities. The proposed amendment would distribute the payouts proportionately based on the odds for each horse involved in a dead heat for first place. The proposed change provides consistency for the dead heat win payouts. Currently there is a lack of consistency since Rule 1957, Daily Double and Rule 1977, Pick Three, consider the odds and money wagered, when there is a dead heat, the proportionate payouts for the Daily Double and Pick Three are greater for those holding tickets on the horses with higher odds. The consistency of the proposed amendment will help to make exotic wagers less intimidating for novice fans, and less confusing for experienced players.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1976, 1976.9 and 1978 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1976, 1976.9 and 1978 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1976, 1976.9 and 1978 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Andrea Ogden, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-Mail: andreaogden@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn
Regulation Analyst
Telephone: (916) 263-6397

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Andrea Ogden, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Andrea Ogden at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Andrea Ogden at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the no-

tice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 20. CALIFORNIA ENERGY COMMISSION

NOTICE OF PROPOSED ACTION

Adoption of Regulations
to
Establish a Process to Designate Transmission
Corridor Zones

Docket No. 07-OIR-1
September 11, 2007

The California Energy Commission (Commission) proposes to adopt new regulations to establish a process for designating transmission corridor zones in accordance with the Commission's authority under Public Resources Code section 25330 et seq. The regulations would implement, interpret, and make specific Public Resources Code sections 25330-25341, which were added in 2006 (S.B. 1059, Stats. 2006, ch. 638, § 2). The proposed action is authorized under Public Resources Code sections 25213 and 25218(e).

NOTICE THAT PUBLIC HEARING IS SCHEDULED

The date set for the adoption of regulations at a public hearing is as follows:

Commission Business Meeting
November 21, 2007
Beginning 10:00 a.m.
California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814

Hearing Room A is wheelchair-accessible.

ORAL AND WRITTEN STATEMENTS

Interested persons wishing to comment on the proposed regulations must submit their comments in writing to the Commission by November 14, 2007. All comments must be identified with "**Docket No. 07-OIR-1**" and may be submitted in one of three ways:

- 1) mailing them to:
Docket Unit
California Energy Commission
Docket No. 04-SIT-2
1516 9th Street, MS-4
Sacramento, CA 95814
- 2) e-mailing them to:
[\[DOCKET@energy.state.ca.us\]](mailto:DOCKET@energy.state.ca.us), or
- 3) faxing them to Dockets at (916) 654-4354.

COPIES OF THE INITIAL STATEMENT OF REASONS AND THE TEXT

The Commission has prepared an initial statement of reasons for the proposed regulations. To obtain a copy of the initial statement of reasons or the express terms of the proposed regulations, please visit the Commission's website at: <http://energy.ca.gov/sb1059/index.html> or contact Gary Collord at (916) 651-9006 or by e-mail at [\[Gcollord@energy.state.ca.us\]](mailto:Gcollord@energy.state.ca.us).

INTERNET ACCESS

The Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Commission for this rulemaking, including this notice of proposed action, the text of the proposed regulations, the initial statement of reasons, and the economic and fiscal impact statement, as well as any other document in the rulemaking file, have been posted at: <http://energy.ca.gov/sb1059/index.html>.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has been prepared by visiting the Commission's website at: <http://energy.ca.gov/sh1059/index.html> or contacting Gary Collord, Project Manager, at (916) 651-9006 or by e-mail at [\[Gcollord@energy.state.ca.us\]](mailto:Gcollord@energy.state.ca.us).

POSSIBLE CHANGES

Changes to the proposed regulations may result from public comments, staff recommendations, or recommendations from Commissioners. Changes may also result if they improve the clarity or effectiveness of the regulations. If the Commission considers changes, they will be nonsubstantial or grammatical in nature or sufficiently related to the original text as allowed by Government Code section 11346.8. In addition, a full copy of

the text with all proposed changes will be available for review at least 15 days prior to the date on which the Commission adopts the proposed regulations.

PUBLIC ADVISER

The Commission's Public Adviser's Office is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228.

CONTACT PERSON

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations, should be directed to Arlene L. Ichien, Assistant Chief Counsel, at (916) 654-3959 or by email at [ai-chien@energy.state.ca.us].

INFORMATIVE DIGEST

The proposed regulations would make specific the process for implementing the California Energy Commission's new authority to designate transmission corridor zones for future high-voltage electric transmission lines within the state. The Commission's new authority stems from Senate Bill 1059, which was enacted in September 2006. (Stats. 2006, Ch. 638) Specifically, SB 1059 added Chapter 4.3, or sections 25330 to 25341, to the Warren-Alquist Act, which is the Energy Commission's enabling statute in the Public Resources Code. Section 25331 of the Public Resources Code specifically authorizes the Energy Commission to designate transmission corridor zones on its own motion or by application of a person who plans to build a high-voltage electric transmission line in the state.

Federal law has a similar provision that directs the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to designate, under their respective authorities, "energy corridors" on federal lands across 11 Western states. (Energy Policy Act of 2005, Pub.L. No. 109-58, § 368 (Aug. 8, 2005), 119 Stat. 594.) Whereas state law authorizes the Energy Commission to designate suitable corridors for high-voltage electric transmission lines, federal law directs several federal agencies to designate corridors not only for electric transmission and distribution lines, but also for oil, gas, and hydrogen pipelines. Under the Energy Policy Act of 2005, the federal agencies are preparing a programmatic environmental impact statement in accordance with the National Environmental Policy Act, to assess the potential environmental impacts from the designation of several proposed energy corridors in the 11 contiguous

Western states. One of the objectives of the state's designation process is to coordinate the designation of transmission corridor zones with federally designated energy corridors so that the state and federal designations result in continuous corridors to the extent practicable.

Current law directs the Energy Commission to adopt a strategic plan, representing an important part of the transmission planning process, to identify and recommend actions for investments in future transmission-line infrastructure. (Pub. Resources Code § 25324.) The goal of the strategic plan is to identify and recommend actions that will ensure transmission reliability, relieve congestion, and meet forecasted growth in load and generation in the state, with consideration given to renewable resources, energy efficiency, and other demand-reduction measures. Depending on available information, analyses performed, and forecasts of future conditions, the strategic plan sets forth the state's needs and objectives for developing infrastructure for the state's transmission grid, taking into account the state's energy and environmental policies.

The strategic plan, in turn, is part of the integrated energy policy report (IEPR) that the Energy Commission is required to adopt every two years. (Pub. Resources Code § 25302.) The biennial IEPR presents policy recommendations based on an integrated analysis of the most current and pressing energy issues facing the state. After adoption, the IEPR is sent to the Governor, who is then expected to review it and report to the Legislature whether the Governor agrees or disagrees with the policy recommendations and, if there is disagreement, what the alternate policy shall be. The Governor's report to the Legislature becomes the Governor's official statement of energy policy. (Pub. Resources Code § 25307.)

Given the authority to designate transmission corridors, the Energy Commission can now augment the transmission planning process, as summarized in the strategic plan, by identifying feasible corridors for future use consistent with the state's needs and objectives for electric transmission. Indeed, the Commission is required to make findings regarding the conformity of a proposed transmission corridor with the adopted strategic plan. With careful planning and designating of corridors, the eventual permitting of transmission projects within those corridors is expected to be a seamless and more efficient final step in the regulatory process that results in needed electric transmission lines.

The Energy Commission's new authority to designate corridors also comes with responsibilities to work with stakeholders, federal, state, and local agencies, property owners, and the general public to study alternative corridor zones and to coordinate state planning with local and federal planning to the extent feasible. At

the local level, counties and cities have the responsibility under the law to consider designated transmission corridor zones when making land use decisions that could affect the viability of a designated corridor to accommodate a future transmission line.

The Energy Commission's designation of a transmission corridor zone is subject to the California Environmental Quality Act. The Energy Commission will serve as the lead agency for designating and regularly reviewing and revising transmission corridor zones. (Pub. Resources Code § 25332.)

INCORPORATION BY REFERENCE

The proposed regulations would not incorporate any documents by reference.

SMALL BUSINESS IMPACTS

The proposed regulations would not affect small businesses. No small business would be legally required to comply with the regulations nor would any small business necessarily derive a benefit or incur a detriment as a result of these regulations being adopted. The proposed regulations set forth and specify the process by which corridors for future high-voltage electric transmission lines would be proposed, analyzed, and decided. To seek designation of a proposed transmission corridor and be subject to the regulations would be strictly by choice.

LOCAL MANDATE DETERMINATION

If adopted, the proposed regulations would not impose a mandate on local agencies or school districts.

COST/SAVINGS ESTIMATE

There would be no cost or savings to any state agency as a result of the regulations being adopted. Nor would there be any cost to local agencies or school districts as a result of the regulations being adopted and, thus, no cost that is required to be reimbursed under Government Code section 17500 et seq. There would be no cost or savings in federal funding to the state if the regulations are adopted and implemented. Further, there would be no nondiscretionary costs or savings imposed upon local agencies.

INITIAL DETERMINATION — STATEWIDE ECONOMIC IMPACT ON BUSINESSES

Adoption of the proposed regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in

other states. This initial determination is based upon the following facts (1) the proposed regulations describe a process that would apply only if a person chooses to propose a transmission corridor for state designation; (2) the proposed regulations have no provisions that would require, mandate, or impose anything directly affecting business in the state; and (3) the ultimate goal of the regulations is to standardize the process that will facilitate transmission planning and permitting such that the state's economic future benefits from a well planned electric transmission system. Utilities that have the option of proposing corridors for designation by the Energy Commission have expressed support for a seamless planning and permitting process in which designating corridors promotes agreement on the need for transmission lines proposed within designated corridors and streamlines or focuses environmental review in the permitting process.

Even though the adoption of the proposed regulations would not automatically impose any requirements, restrictions, standards, or prohibitions on businesses, nevertheless, in the interest of discussing costs and benefits that may accrue to the state's investor-owned utilities should they elect to request designation of transmission corridors, an economic impact analysis was conducted. The potential costs and benefits identified in the analysis assume a business choosing to take advantage of the corridor-designation process.

The analysis shows the estimated cost to a utility or applicant to prepare and file an application for corridor designation ranges between \$200,000 and \$5 million. The total cost of the initial application and an update is estimated to be between \$1.3 million and \$8.5 million. The potential net benefit, assuming corridor designations result in needed transmission structures in the state, would be \$86 million. This benefit would be to the state's utilities and ratepayers from improving California's electricity reliability, reducing current transmission system congestion costs, and improving access to lower-cost electricity.

COST IMPACT TO PRIVATE PERSON OR BUSINESS

The Energy Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT REGARDING JOBS AND BUSINESSES

The proposed regulations, describing a process for anyone who chooses to apply for a corridor designation, would have no effect on the creation or elimination of California jobs, the creation of new business, or the

elimination or expansion of existing business within California. The proposed regulations would not require business enterprises or individuals who choose not to apply for a corridor designation to submit reports, maintain records, or comply with new requirements. Those who do choose to apply to the Energy Commission would submit an application as prescribed and follow the procedures set forth in the regulations.

IMPACT ON HOUSING COSTS

The regulations proposed for adoption will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVE PROPOSALS

Before adopting the proposed amendments, the Energy Commission must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to the Commission's attention would be more effective in carrying out the purpose for which the adoption is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption. To date, the Commission is not aware of any alternative that would be more effective or less burdensome than the proposed regulations, given the statutory requirements and objectives of the designation process.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Division 1. Housing and Community Development Chapter 7. Department of Housing and Community Development Programs Subchapter 3. Joe Serna, Jr. Farmworker Housing Grant Program

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Housing and Community Development ("Department") proposes to formally amend regulations, which govern implementation of the Joe Serna, Jr. Farmworker Housing Grant Program (the "JSJFWHG Program" or the "Program"). The existing regulations are codified in Title 25, Chapter 7, Subchapter 3 (commencing with section 7200) of the California Code of Regulations.

WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Department at its office not later than 5:00 p.m. on November 5, 2007, or must be received at the hearing.

PUBLIC HEARINGS

Public hearings will be held at the following locations:

- **State of California Department of General Services Building, 3737 Main Street, Alvarado Room, Ste. 207, Riverside, CA. beginning at 10:00 a.m. on Thursday, October 4, 2007.**
- **Housing and Community Development Headquarters, 1800 Third Street, Room 183, Sacramento, CA. beginning at 10:00 a.m. on Monday, November 5, 2007.**

Any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest below. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimonies at the hearings.

AUTHORITY AND REFERENCE

HCD is conducting this rulemaking activity pursuant to the authority provided by Health and Safety Code Sections 50402 and 50406, and to implement, interpret, or make specific Sections 50517.5 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Historically, the statutes for the Farmworker Housing Grant Program required the Department of Housing and Community Development (HCD) to make grants from the Farmworker Housing Grant Fund to local public entities and nonprofit corporations for the construction or rehabilitation of housing for agricultural employees and their families. Grants could also be made for the purchase of the land in connection with the housing and for the construction and rehabilitation of related support facilities necessary to the housing. Typical rental projects consisted of grants to nonprofit corporations that also owned the projects. The statutes and regulations for the program remained relatively unchanged from 1983 until 2000. Beginning in 2000, the Legislature has en-

acted five bills that have made substantial changes to the program. In response, HCD adopted several small regulatory changes. However, program operations and policies also evolved to implement these statutory changes without making formal regulatory changes. The purpose of this regulatory package is to make extensive changes to bring the program regulations completely up to date with the current statute, policies and practices.

§7200. Purpose and Scope A non-substantive change has been made by amending the heading name of the section and adding the name “Joe Serna, Jr.” to the name of the Fund to conform to statute.

§7202. Definitions The introduction has been changed to be more precise. The purpose of the change is to put the public on notice that the regulatory definitions supplement, but do not replace, existing statutory definitions. In addition, rental housing developments are subject, pursuant to newly-numbered section 7201, to the Uniform Multifamily Regulations; and it is important to put the public on notice that those regulations also contain definitions that apply to the Serna Program for rental housing developments. Also, all definitions have now been assigned a subsection letter for ease of reference.

§7204. Project Eligibility Requirements

Nonsubstantive change to name of section.

§7205. Applicant Eligibility Requirements

Subsection (a): This text has been moved from existing paragraph (a)(1) of section 7204, and reiterates the statutory eligibility categories contained in Health and Safety Code Section 50517.5(a)(1).

Subsection (b)(1) — This language is taken from existing paragraph (a)(2) of Section 7204.

Paragraph (b)(2)(A) — This subsection contains typical requirements for applicants for any of HCD’s programs.

Paragraph (b)(2)(B) — HCD also recognizes that entities are composed of people that come and go.

Paragraph (b)(2)(C) — HCD proposes to add a new eligibility criterion — that the applicant have staff that has actual experience in managing a rental development occupied by agricultural employees and their families.

Subsection (c): This subsection memorializes in regulation the statutory requirement found in paragraph (g)(2) of Health and Safety Code section 50517.5.

Subsection (d): This subsection memorializes in regulation the statutory requirement found in subdivision (a) of Health and Safety Code section 50517.5.

§7205.1. Limited Partnership Eligibility Requirements

The purpose of these requirements is to ensure that the nonprofit general partner in a limited partnership developing rental housing using Program funds truly controls the partnership.

§7205.2. Nonprofit Corporation Eligibility Requirements

The purpose of this section is to ensure that any nonprofit recipient developing Program-funded housing is authorized by its organizational documents to perform that function, and that the entity is not jeopardizing its IRC Section 501(c)(3) status by sharing profits with a for-profit entity.

§7205.3. Agricultural Employee Eligibility Requirements

The purpose of this section is to put the farmworker employee interested in receiving a direct grant on notice that he or she must either be a participant in a construction or rehabilitation program, or be threatened with displacement as required by paragraphs (a)(1) and (g)(2) of Health and Safety Code section 50517.5.

§7206. Eligible Activities

Section 7206 is being added to gather together in one section the activities that are eligible for funding under the program. Also, this section is arranged to parallel the types of project applications HCD typically receives.

Subsection (a) Historically, applications are received for rental projects that involve rehabilitation, acquisition and rehabilitation, or new construction.

Subsection (b) Subdivision (b) notifies applicants that for this type of project, the applicant may retain title to the entire subdivision until completion of construction, or the applicant may transfer title to individual lots prior to or during construction.

Subsections (c), (d) and (e) restate what is in statute for ease of reference.

§7207. Site Control Requirements

This section is being included to improve the user friendliness of the regulations by gathering together in a separate section the various site control requirements.

§7208. General Requirements

This section has been renamed to more accurately describe its contents. Subsection (a) has been revised to make clear that the matching funds requirement applies to applicants for both grants and loans. New language has been added to conform to changes in subdivision (c) of Health and Safety Code Section 50517.5 which permits the match requirement to be waived under specified circumstances.

The provisions of subsection (c) have been moved to new section 7221 dealing with legal documents.

Subsections (d), (e), and (f) have been re-lettered and amended by replacing the term “grantees” with “recipients” in recognition of the fact that program participants may now receive loans as well as grants.

Subsection (g) has been moved to a new section 7209 “Minimum number of assisted units.”

Subsection (h) has been deleted since the statute no longer provides for grants to cooperatives.

§7209. Minimum Number of Assisted Units and Affordability

The adoption of section 7209 is a re-working of subsection (g) of existing section 7208.

Subsection (a)(1): New subsection (a)(1) perpetuates the language of subsection (g)(1)(A) of existing section 7208 regulations — that is, for each 1% of total development costs represented by Program funds, 2% of the units must be restricted.

Subsection (a)(2): Under current regulations subsection 7208(g)(1)(B), if Program funds constitute 25% or more of total development costs, 100% of the units must be reserved for occupancy by agricultural households.

Proposed subsection 7209(a)(2) slightly alters this formula. Rather than 100%, the number of reserved units will be equal to the percentage that Serna funds are of TDC, with a floor of 50%.

Subsection (a)(3): Subsection (a)(3) is being proposed in order to ensure that reserved units occupied by lower-income agricultural families are rented at affordable rents, consistent with the financial integrity of the project.

Subsection (a)(4): This subsection is necessary to put recipients on notice, and to emphasize, that Serna units are to be rented at “affordable rents.”

Subsection (a)(5): The purpose of providing below-market-rate financing through the Serna program is to provide housing for agricultural workers. This subsection is another means of ensuring that the program funds achieve their intended purpose.

Subsection (b): It is important to require that Serna units as a percentage of total units developed do not fall below the percentage of costs paid for from Serna funds.

§7209.5. Eligible Expenditures

This section has been re-numbered due to reorganization of the subchapter. Subsection (a) has been amended to remove the reference to “grant” since the Program now makes loans and grants.

§7211. Loan Terms and Requirements

The purpose of this section is to gather together in one place the typical terms and conditions of a loan.

§7212. Priorities in the Use of Funds

HCD proposes to delete the provision that “the priority criteria are not quantified and are of equal value.” HCD now proposes to adopt a rating and ranking scheme that is similar to the schemes used in HCD’s other competitive programs.

§7214. Grant Committee

HCD proposes to delete this section. A non-substantive change has been made by amending the heading name of the section and adding the name “Joe Serna, Jr.” to the name of the Fund to conform to statute.

§7216. Application Process

This section is being replaced with Section 7215.

Existing section 7216 was adopted in 1983 and is outdated and insufficient to accurately describe current processes, particularly with regard to loans. The purpose of new section 7215 is to accurately describe the current process and requirements for distributing Program funds. The section is organized to follow the chronological process of making funds available and accepting applications.

§7217. Contents of Applications

Nonsubstantive renumbering throughout the section; title changed to reflect fact that the Program can now make both grants and loans.

§7221.5. Grant Agreement

Nonsubstantive renumbering. No other changes to section.

§7222. Environmental Clearances

Nonsubstantive change to reflect that the Program now makes loans as well as grants.

§7224. Coordination with Federal Agencies

Nonsubstantive name changes.

§7225. Standard Agreement

Every grant or loan commitment made by HCD is memorialized in a “Standard Agreement” which is the standard form all state agencies use for contracting. The Standard Agreement is the document that encumbers funds in the State’s accounting system. This specific provision is missing from existing regulations and is necessary to notify potential applicants of the requirement.

§7226. Grant Agreement

Reference to cooperatives has been deleted because cooperatives are no longer eligible for the Program.

§7228. Conveyance of the Housing Development

This section has been amended to accommodate the addition of manufactured homes. Subsection (a)(5) is being deleted as redundant of subsection (a)(4), and references to Section 7230 are being deleted since that section has been substantially revised and no longer applies to these subsections.

§7230. Subordination

Most of this section is being deleted as redundant of the provisions of Sections 7226 and 7228. The only remaining substantive provision related to subordination is retained.

§7231. Regulatory Agreement

This section implements and interprets the requirements of subsections (a)(2) and (d)(4)(A) of Health and Safety Code Section 50517.5(a)(2). This section makes clear that a condition of receipt of a loan is the recordation of maintenance, use and occupancy restrictions on the property being assisted that run with the land to all borrowers’ successors in interest. HCD considered amending Sections 7226 and 7230 to cover loans as well as grants. However, it was decided that separating the requirements for loans and grants would be less con-

fusing to traditional grant customers and newer potential borrowers. This section is modeled on Section 7321(b) of the Multifamily Housing Program.

§7234. Operation of Rental Housing Developments

Department regulations for multifamily programs (e.g., HOME, Multifamily Housing Program) routinely limit rent increases to an annual increase. This restriction was inadvertently omitted from these Program regulations, and is now being included. HCD is working with TCAC so that recipients and projects receiving federal and state tax credits and HCD program funds have compatible regulatory restrictions. Towards this end, this subsection is being amended to state that rent increases will be in accordance with TCAC procedures.

LOCAL MANDATE

Federal Law mandates the requirements. The Department has determined that these regulations do not impose a mandate on local agencies or school districts.

The Department has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has determined that the proposed action has no significant impact on housing costs in California.

INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The proposed regulations do not affect small businesses because the regulations do not mandate or require small businesses to take any prescribed action, and it has no financial impact on small business.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT STATEMENT

The Department has determined that the regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California.

CONSIDERATION OF ALTERNATIVES

The Department of Housing and Community Development must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons, prepared by the Department, which provides the reasons for the proposals. All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available for inspection at the address noted below. Copies can be obtained by contacting Lenora Frazier at the address and telephone number noted below.

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing and written comment period, the Department may adopt the proposed amendments substantially as described in this notice. If the Depart-

ment makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the address indicated below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

CONTACT PERSON

HCD: **Lenora Frazier**
(916) 323-7288

HCD BACK-UP: **Dennis Beddard**
(916) 323-7288

HCD Address: **State Department of Housing and Community Development**
Legal Affairs Division
1800 Third Street, Room 440
Sacramento, California 95814

HCD Website: Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations may be accessed through our website at www.hcd.ca.gov

HCD Facsimile No: **(916) 323-2815**

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Direct inquiries concerning the substance of the proposed rulemaking action, as well as requests for the documents noted to:

Lenora Frazier, Legal Analyst
Department of Housing and Community Development
1800 Third Street, Suite 440
Sacramento, California 95814
Telephone: (916) 323-7288
Fax No: (916) 323-2815
E-mail: LFrazier@hcd.ca.gov

**TITLE 28. DEPARTMENT OF
MANAGED HEALTH CARE**

ACTION: Notice of Proposed Rulemaking Action
Title 28, California Code of Regulations

SUBJECT: Standing Referral to HIV/AIDS
Specialist; Renumbering and Amending

Section 1300.67.60 in Title 28, California Code of Regulations; Control No. 2007-1236.

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care (Director) proposes to amend regulations under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act) relating to Standing Referral To HIV/AIDS Specialist, by changing the section number from 1300.67.60 to 1300.74.16, and by deleting subsections (h) and (i) of Section 1300.67.60, in Title 28, California Code of Regulations. Before undertaking this action, the Director will conduct written public proceedings, during which time any interested person, or such person's duly authorized representative, may present statements, arguments, or contentions relevant to the action described in this notice.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to section 11346.8(a) of the Government Code. The written request for hearing must be received by the Department's contact person, designated below, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (hereafter referred to as comments) relevant to the proposed regulatory action by the Department. Comments must be received by the Department of Managed Health Care, Office of Legal Services, by 5:00 p.m. on **November 5, 2007**, which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Regulations Coordinator. Comments may be transmitted by regular mail, fax, email, or via the Department's website:

Website: www.dmhc.ca.gov
Email: regulations@dmhc.ca.gov
Mail: Emilie Alvarez, Regulations Coordinator

Office of Legal Services
Department of Managed Health Care
980 9th Street, Suite 500
Sacramento, CA 95814
Fax: (916) 322-3968

Please note, if comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, whether sent via the website, email, fax or mail, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed change in the regulation text on which additional comments may be solicited.

Inquiries concerning the proposed adoption of this regulation may be directed to:

Braulio Montesino, JD
Chief, Legal and Policy Research & Opinions Unit
Office of Legal Services
Department of Managed Health Care
320 West 4th St., Suite 880
Los Angeles, CA 90013
(213) 576-7624
bmontesino@dmhc.ca.gov

Emilie Alvarez
Regulations Coordinator
Office of Legal Services
Department of Managed Health Care
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 322-6727
ealvarez@dmhc.ca.gov

CONTACTS

In your comments or inquiries, please use the Department's regulation title and control number, **Standing Referral to HIV/AIDS Specialist, Control # 2007-1236**.

AVAILABILITY OF DOCUMENTS

The Initial Statement of Reasons, the text of the proposed regulation and all information upon which the proposed regulation is based (rulemaking file) are available for public review. All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the Regulations Coordinator listed above. Please call (916) 322-6727 to make an appointment.

The Notice of Proposed Rulemaking, proposed text of the regulation, and the Initial Statement of Reasons are also available via the Department's website at <http://wpsso.dmhc.ca.gov/regulations/>, under the heading "Open Pending Regulations."

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Health and Safety Code sections 1341.9, 1344, and 1346 vest the Director with the power to administer and enforce the provisions of the Act.

California Health and Safety Code section 1344 authorizes the Director to adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of the Knox-Keene Act, including rules governing applications and reports, and defining any terms, whether or not used in the Knox-Keene Act, insofar as the definitions are not inconsistent with the provisions of the Knox-Keene Act. Furthermore, the Director has the discretion to waive any requirement of any rule or form in situations where, such requirement is not necessary in the public interest or for the protection of the public, subscribers, enrollees, or persons or plans subject to the Knox-Keene Act.

In 1998, the Legislature enacted Section 1374.16 in the Knox-Keene Act and in 2003, the Department adopted section 1300.67.60 in Title 28, to implement and clarify the requirements of section 1367.60.

The Department has determined that it is necessary and appropriate to change the regulation's section number from 1300.67.60 to 1300.74.16 in order to align the numbering of the regulation with the numbering of the statute it clarifies. The Department has determined that the regulation will be more easily referenced and understood when the statute number and regulation number correspond.

The Department has determined that it is necessary and appropriate to delete subsection (h) because the meetings are not necessary or useful to the Department or to the stakeholders, and valuable Department resources are put to better use for consumers elsewhere.

The Department has determined that it is necessary and appropriate to delete subsection (i) to reduce the potential for confusion by its reference to an outdated effective date.

The Department's authority to amend this regulation was previously established in the prior rulemaking action adopting this regulation, to implement and make specific the requirements of Section 1367.60. This rulemaking action will further implement, clarify and make specific the requirements of Section 1374.16.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is non-substantive or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulations. A request for a copy of any modified regulation(s) should be addressed to Emilie Alvarez, Regulations Coordinator, at (916) 322-6727. The Director will ac-

cept comments on the modified regulation(s) via the Department's website, mail, fax, or email for 15 days after the date on which they are made available. The Director may thereafter adopt, amend, or repeal the foregoing proposal as set forth above without further notice.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named above.

ALTERNATIVES CONSIDERED

Pursuant to Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to its attention, would be more effective in carrying out the purpose for which the above action is proposed, or would be as effective and less burdensome to affected private persons than the proposed actions.

The Department invites the public to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period.

FISCAL IMPACT DETERMINATIONS

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to local agencies and school districts required to be reimbursed under part 7 (commencing with Section 17500) of division 4 of the Government Code: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Direct or indirect costs or savings in federal funding to the state: None
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None
- Costs to private persons or businesses directly affected: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effects on housing costs: None
- Adoption of these regulations will not:
 - (1) create or eliminate jobs within California;

- (2) create new business or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

The Department has determined that the regulations do not affect small businesses. Health care service plans are not considered a small business under Government Code section 11342(h)(2).

FINDING REGARDING REPORTING REQUIREMENT

Government Code section 11346.3(c) provides as follows:

No administrative regulation adopted on or after January 1, 1993, that requires a report shall apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.

These regulations do not impose any reporting requirements.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

ERRATA

TITLES 13 and 17. CALIFORNIA AIR RESOURCES BOARD

By notice dated August 28, 2007, and published in the September 7, 2007, California Regulatory Notice Register, Register 2007, No. 36-Z, the Air Resources Board (the "Board" or "ARB") provided Notice of Public Hearing to Consider the Adoption of Proposed Regulations to Reduce Emissions from Diesel Engines on Commercial Harbor Craft Operated within California Waters and 24 Nautical Miles of the California Base-line.

PLEASE BE ADVISED there was an error in the notice regarding the ARB Internet Site for this rulemaking. The following ARB Internet site appears in paragraph 5 on page 13 of the notice:

www.arb.ca.gov/regact/2007/chc07/chc07

This ARB Internet Site was corrected to read as follows:

www.arb.ca.gov/regact/2007/chc07/chc07.htm

The complete text of the notice and the Initial Statement of Reasons are available on the ARB Internet site for this rulemaking at

www.arb.ca.gov/regact/2007/chc07/chc07.htm.

Any questions regarding these corrections should be directed to Alexa Malik, Manager, Board Administration & Regulatory Coordination Unit at (916) 322-4011 or Amy Whiting, Regulations Coordinator at (916) 322-6533.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

DEPARTMENT OF PUBLIC HEALTH

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (STATE PLAN) FOR FEDERAL FISCAL YEAR (FFY) 2008

ACTION: NOTICE OF HEARINGS FOR PROPOSED FUNDINGS

SUBJECT

The Centers for Disease Control and Prevention has made funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the State's recommendations for the use of these funds during State Fiscal Year 2007-2008 (FFY 2008).

PUBLIC HEARING PROCESS

Notice is hereby given that DHS will hold a public hearing commencing at 9:00 a.m. on Monday, November 5, 2007 in Room 74.3463 at 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The Chronic Disease Control Branch, CDPH, 1616 Capitol Avenue, MS 7209, P.O. Box 997413, Sacramento, Ca., 95899 must receive any written statements or arguments by 5:00 p.m. November 5, 2007, which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

CONTACT

Inquiries concerning the action described in this notice may be directed to Ms. Marcia Levy Rosenstein,

Chief, Prevention 2010 Section, Chronic Disease Control Branch, CDPH, at (916) 552-9960. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG."

AVAILABILITY OF INFORMATION FOR REVIEW

The State Plan will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., September 21, 2007 through November 5, 2007.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF PROPOSED SETTLEMENT 16499, 16329, and 17085 AVENUE 26 (ROBERTSON BOULEVARD) CHOWCHILLA

In accordance with Health and Safety Code sections 25300 et seq. (the Hazardous Substances Account Act), 58009 and 58010, the Department of Toxic Substances Control (DTSC) has the authority to enter into agreements whereby DTSC covenants not to sue or assert claims for environmental remediation against prospective purchasers of environmentally impacted properties, if such agreements are sufficiently in the public interest.

Notice is hereby given that DTSC proposed to enter into a Prospective Purchaser Agreement (PPA) with California Greenhills Lakes, LLC who intends to purchase the properties at 16499 Avenue 26 (Robertson Boulevard), 16329 Avenue 26 (Crews Parcel), 17085 Avenue 26, City of Chowchilla, County of Madera. These properties are identified as Assessor Parcel Numbers 026-130-017, 026-130-018, 026-130-004, 014-030-029, 014-030-034, 014-030-030, 014-030-039, 014-030-031, 041-030-032, 014-030-038, 014-030-037, 014-030-056 and 014-010-003. The purchaser commits to complete any needed additional assessment work and to remediate existing contamination at the properties in return for DTSC's covenant not to sue. The PPA is in the public interest because it provides for the following:

- the assessment and cleanup of hazardous substances resulting from former operations at the property;
- elimination of potential exposure to wind blown contamination, surface soil exposure and limiting water infiltration;
- construction of new public schools, approximate 56 acres in parks and open space, a safety substation, 340 high density residential units, and 2,042 residential units; and,

- d. additional tax revenue for the City of Chowchilla and the surrounding areas.

DTSC is holding a 30-day comment period on this Agreement. Written comments on this proposed settlement must be submitted on or before October 21, 2007. To insure timely receipt by DTSC and California Greenhills Lakes, LLC, you are requested simultaneously to transmit your comments by facsimile or by overnight mail to the following:

Michael Pfister
Environmental Protection Agency
Department of Toxic Substances Control
1515 Tollhouse Road
Clovis, California 93611
Phone: (559) 297-3958
Facsimile: (559) 297-3904

Tamara J. Gabel
Law Offices of Tamara J. Gabel
177 Park Avenue, Third Floor
San Jose, California 95113
Phone (408) 279-8636
Facsimile: (408) 516-8854

If you should have any questions regarding the PPA, or would like a copy, please contact the DTSC contact identifier above.

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on August 22, 2007, received a petition from the Center for Biological Diversity to list the American pika (*Ochotona princeps*) as a threatened species.

The American pika inhabits talus fields fringed by suitable vegetation on rocky slopes of alpine areas throughout western North America.

Pursuant to Section 2073 of the Fish and Game Code, on August 30, 2007, the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. Interested parties may contact Mr. John Gustafson, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95814, or telephone (916) 327-8847 for information on the petition or to submit information to the Department relating to the petitioned species.

PHYSICAL THERAPY BOARD

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is extending the public comment period for submission of written comments regarding the Citation and Fine, Title 16 CCR 1399.25 & 1399.26 to **5:00 p.m.** on October 22, 2007, which is hereby designated as the close of the written comment period.

Any interested person, or his or her authorized representative, may submit written comments no later than 5:00 p.m. on October 22, 2007 to:

Elsa Ybarra
Physical Therapy Board of California
1418 Howe Avenue, Suite 16
Telephone: (916) 561-8262
Fax: (916) 263-2560
E-mail Address: Elsa_Ybarra@dca.ca.gov

All other information contained in the notice of proposed rulemaking that was previously published in the August 31, 2007 California Regulatory Notice Register remains unchanged.

OAL REGULATORY DETERMINATIONS

CALIFORNIA MEN'S COLONY

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS (Summary Disposition)

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

Date: August 29, 2007
To: Eddie J. Streeter, Jr.
From: Chapter Two Compliance Unit
Subject: **2007 OAL DETERMINATION NO. 14(S)
(CTU 07-0719-01)**

(Issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f)(2)(E))

Petition challenging as an underground regulation a Memorandum dated June 12, 2007, signed by the warden of the California Men's Colony concerning interior lights.

On July 19, 2007, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether a Memorandum dated June 12, 2007, is an underground regulation. The Memorandum is entitled "Administrative Segregation Unit Central Cell Interior Lights" and is signed by John Marshall, Warden, California Men's Colony.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).¹ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600² is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA.

Penal Code section 5058 establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution. Your petition challenges a Memorandum signed by the warden of the California

Men's Colony. The Memorandum states that its purpose is "to clarify the institutional policy regarding the Administrative Segregation Unit, Central Management Cell, interior lights." By its own terms, the Memorandum applies only to the Administrative Segregation Unit at the California Men's Colony.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the Memorandum you challenge applies solely to the California Men's Colony. The hours of permissible lighting at other institutions are controlled by each institution's own procedures. Therefore, the Memorandum entitled "Administrative Segregation Unit Central Cell Interior Lights" is a "local rule." As such, it is exempt from compliance with the APA and is not an underground regulation.³

Date: August 29, 2007

/s/
Susan Lapsley
Director

¹ Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

³ For this reason, pursuant to subdivision (f)(2)(E) of section 270, a rule which is included in a statutory exemption is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

/s/

Kathleen Eddy
Senior Counsel

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225

Cc: Timothy Lockwood, California Department of
Corrections and Rehabilitation

**CALIFORNIA STATE PRISON,
CORCORAN**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATIONS
(Summary Disposition)**

**(Pursuant to Government Code Section 11340.5
and Title 1, section 270, of the
California Code of Regulations)**

Date: September 6, 2007
To: Darryl Wakefield
From: Chapter Two Compliance Unit
Subject: **2007 OAL DETERMINATION NO. 15(S)
(CTU 07-0813-01)**
(Issued pursuant to Gov. Code, sec. 11340.5;
Cal. Code Regs., tit. 1, sec. 270(f)(2)(E))

Petition challenging as an underground
regulation a document titled "California
State Prison — Corcoran — Supplement"
issued by California State Prison —
Corcoran.

On August 13, 2007, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether the publication you challenge is an underground regulation. The publication is a supplement to the Department Operations Manual (DOM) issued by California State Prison — Corcoran (Corcoran) in February 2007. This document deals with Chapter 10000, Article 14000, Section 14010 Legal Matters. The sections in question deal specifically with Legal Copy Services, Legal Documents and Non-Legal Documents. While the DOM is issued by California Department of Corrections and Rehabilitation (CDCR) and applies statewide, the supplement you challenge is is-

sued solely by Corcoran and signed by the acting warden, James D. Hartley. By its own terms, it applies only to inmates at Corcoran.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).¹ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600² is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058 establishes exemptions expressly for the (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility...

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

¹ Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the supplement dealing with Legal Matters issued by Corcoran applies only to inmates at Corcoran. Similar inmates housed at other institutions are controlled by that institution's legal matters policies. Therefore, the supplement is a "local rule" and is exempt from compliance with the APA.³

Date: September 6, 2007

/s/

Susan Lapsley
Director

/s/

Peggy J. Gibson
Staff Counsel

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225

³ For this reason, pursuant to subdivision (f)(2)(E) of section 270, a rule which is included in a statutory exemption is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. (Emphasis added.)

CALIFORNIA STATE PRISON, CORCORAN

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS (Summary Disposition)

(Pursuant to Government Code Section 11340.5
and Title 1, section 270, of the
California Code of Regulations)

Date: September 10, 2007

To: Rodney Koch

From: Chapter Two Compliance Unit

Subject: **2007 OAL DETERMINATION NO. 17(S)**
(CTU 07-0817-01)
(Issued pursuant to Gov. Code, sec. 11340.5;
Cal. Code Regs., tit. 1, sec. 270(f)(2)(E))

Petition challenging as an underground regulation a document titled "California State Prison — Corcoran — Supplement" issued by California State Prison — Corcoran.

On August 17, 2007, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether the publication you challenge is an underground regulation. The publication is a supplement to the Department Operations Manual (DOM) issued by California State Prison — Corcoran (Corcoran) in February 2007. This document deals with Chapter 10000, Article 14000, Section 14010 Legal Matters. The sections in question deal specifically with Legal Copy Services, Legal Documents and Non-Legal Documents. While the DOM is issued by California Department of Corrections and Rehabilitation (CDCR) and applies statewide, the supplement you challenge is issued solely by Corcoran and signed by the acting warden, James D. Hartley. By its own terms, it applies only to inmates at Corcoran.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).¹ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600² is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058 establishes exemptions expressly for the (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

¹ Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

Similarly, the supplement dealing with Legal Matters issued by Corcoran applies only to inmates at Corcoran. Similar inmates housed at other institutions are controlled by that institution’s legal matters policies. Therefore, the supplement is a “local rule” and is exempt from compliance with the APA.³

Date: September 10, 2007

/s/

Susan Lapsley
Director

/s/

Peggy J. Gibson
Staff Counsel

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225

CALIFORNIA STATE PRISON, SACRAMENTO

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS (Summary Disposition)

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

Date: September 7, 2007

To: Robert Fuentes

From: Chapter Two Compliance Unit

³ For this reason, pursuant to subdivision (f)(2)(E) of section 270, a rule which is included in a statutory exemption is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** (Emphasis added.)

Subject: **2007 OAL DETERMINATION NO. 16(S)**
(CTU 07-0726-02)

(Issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f)(2)(E))

Petition challenging as an underground regulation Operational Procedure 143, issued by California State Prison — Sacramento concerning video arraignments.

On July 26, 2007, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether Operational Procedure 143 issued by California State Prison — Sacramento, is an underground regulation. Operational Procedure 143 (OP 143) establishes the procedures to be used by prison personnel in California State Prison — Sacramento (CSP Sacramento) for video arraignments.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).¹ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600² is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA.

Penal Code section 5058 establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

¹ Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution. Your petition alleges OP 143, which is issued by CSP Sacramento, is an underground regulation. OP 143 sets out the responsibilities of the prison personnel for arranging video arraignments for inmates. It establishes the procedure for scheduling the video arraignments, how and by whom the inmate will be escorted to the video room, and what protective equipment is to be used for specified classifications of inmates. By its own terms, OP 143 applies only to video arraignments at CSP Sacramento.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, OP 143 applies solely to CSP Sacramento. Video arraignments at other institutions are controlled by each institution’s own procedures. Therefore, OP 143 is a “local rule.” As such, it is exempt from compliance with the APA and is not an underground regulation.³

Date: September 7, 2007

³ For this reason, pursuant to subdivision (f)(2)(E) of section 270, a rule which is included in a statutory exemption is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** (Emphasis added.)

/s/

Susan Lapsley
Director

/s/

Kathleen Eddy
Senior Counsel

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225

Cc: Timothy Lockwood,
California Department of Corrections and
Rehabilitation

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Heavy-Duty Diesel In-Use Compliance Regulation

This action amends the state's regulation regarding in-use compliance of 2007 and subsequent heavy-duty diesel engines in urban busses and other heavy-duty diesel engines and vehicles to conform with federal regulations on the same subject that provide for in-use compliance testing by engine manufacturers using mobile test equipment.

Title 13
California Code of Regulations
AMEND: 1956.1, 1956.8
Filed 09/11/07
Effective 10/11/07
Agency Contact: Amy Whiting (916) 322-6533

AIR RESOURCES BOARD

PERP Program and ATCM Regulations

This Certificate of Compliance, filed with the Secretary of State on 9/12/07, permanently adopts these sections that had previously been adopted as emergency regulations (OAL file nos. 07-0417-05E and 07-0417-06EE) dealing with the Statewide Portable

Equipment Registration Program (PERP) and the Airborne Toxic Control Measure (ATCM) for diesel particulate matter (PM) from portable engines. The amendments to the PERP expand the definition of "resident engine," define Tier 1 and 2 engines, establish eligibility requirements for portable engines, recordkeeping and reporting requirements, and establish the fee schedule for compliance flexibility. The changes to the ATCM regulations create some limited compliance flexibility for engine dealers, distributors, operators and owners.

Title 13, 17
California Code of Regulations
ADOPT: 93116.3.1 of title 17 AMEND: 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, and 2462 of title 13, 93116.1, 93116.2, and 93116.3 of title 17
Filed 09/12/07
Effective 09/12/07
Agency Contact: Amy Whiting (916) 322-6533

BOARD OF BARBERING AND COSMETOLOGY

Credit for Special License & Transfer of Training

Amendment to Title 16 California Code of Regulations section 950.10 to allow credit for training earned in the apprentice program to be transferred to a school program. The amendment includes a sunset date of January 1, 2009. Currently section 950.10 provides that training received as an apprentice shall not be credited toward a course of training in a school. The proposed amendment will allow credit for training earned in the apprentice program to be transferred to a school program to continue toward licensure in California until January 1, 2009.

Title 16
California Code of Regulations
AMEND: 950.10
Filed 09/11/07
Effective 10/11/07
Agency Contact: April Oakley (916) 575-7102

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

Mandatory Reporting

In this regulatory action, the Board of Vocational Nursing and Psychiatric Technicians (Board) adopts, amends, and repeals its regulations to: (1) implement provisions of SB 358, Chapter 640, Statutes of 2003 relating to licensed vocational nurses, psychiatric technicians, and employers of licensed vocational nurses and psychiatric technicians reporting specified information to the Board, (2) implement provisions of SB 362, Chapter 788, Statutes of 2003 relating to an increase in the maximum administrative fines permitted in connection with citations under Business and Professions

Code section 125.9, and (3) make various other changes to the Board's citation regulations.

Title 16
California Code of Regulations
ADOPT: 2520.4, 2520.5, 2577.5, 2577.6 AMEND:
2518.6, 2523, 2523.2, 2523.5, 2523.6, 2576.6,
2579.2, 2579.4, 2579.7, 2579.8 REPEAL: 2523.1,
2579.3
Filed 09/11/07
Effective 10/11/07
Agency Contact:
Michele Hedding (916) 263-7848

COMMISSION ON STATE MANDATES

Parameters & Guidelines: Reasonable Reimbursement Methodologies

These regulations define reasonable reimbursement methodology terms and clarify conditions expressed in statute so the Commission can adopt reimbursement methodologies for parameters and guidelines for the same. The regulations are not subject to review by OAL pursuant to Government Code section 17527(g) and are submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
AMEND: 1183.13
Filed 09/10/07
Effective 09/10/07
Agency Contact: Nancy Patton (916) 323-8217

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Indecent Exposure

This regulatory action is the Certification of Compliance on an Operational Necessity emergency to amend sections of Title 15 in order to address indecent exposure and sexual disorderly conduct by inmates. Besides defining both phrases, these regulations describe the consequences for violations related to loss of privileges, disciplinary credit forfeiture and term of confinement to Segregated Housing Units.

Title 15
California Code of Regulations
AMEND: 3000, 3315, 3323, 3341.5
Filed 09/05/07
Effective 09/05/07
Agency Contact:
Ann Cunningham (916) 341-7325

DEPARTMENT OF FOOD AND AGRICULTURE

Organic Certification Appeal Process

Department of Food and Agriculture (DFA) proposes adoption of two Title 3 regulations to implement appeals and mediation procedures of adverse actions proposed to DFA by federally accredited certification agents or by the DFA secretary against organic production or handling operations that require certification under the federal or California law. Regulations are operative upon approval by the Secretary of the U.S. Department of Agriculture.

Title 3
California Code of Regulations
ADOPT: 1391, 1391.1
Filed 09/10/07
Agency Contact: Susan Shelton (916) 445-2180

DEPARTMENT OF FOOD AND AGRICULTURE

Bovine Trichomonosis Control Program

This regulatory action deals with the Bovine Trichomonosis Control Program.

Title 3
California Code of Regulations
ADOPT: 820.2, 820.7 AMEND: 820, 820.3, 820.4, 820.5, 820.6, 820.7 REPEAL: 820.6
Filed 09/05/07
Effective 10/05/07
Agency Contact: Thami Rodgers (916) 698-3276

DEPARTMENT OF FOOD AND AGRICULTURE

Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action adds an approximately one-quarter mile area to the existing quarantine area in the southern La Jolla area and six sq. miles in the La Jolla/Del Mar and Fairbanks Ranch/Rancho Santa Fe areas of San Diego County for the Diaprepes abbreviatus (West Indian sugarcane root borer or Diaprepes root weevil).

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 09/11/07
Effective 09/11/07
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit Fly Eradication Area

This emergency regulatory action establishes the entire county of Solano as an eradication area for the Mediterranean fruit fly ("Ceratitis capitata").

Title 3
California Code of Regulations
AMEND: 3591.5(a)
Filed 09/11/07
Effective 09/11/07
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

This emergency action modifies the existing oak mortality disease control regulation by adding two new plant species to the list of hosts or potential carriers of the disease, changing the regulatory status of two plant genera (*Garrya elliptica* (silk tassel tree, coast silk tassel) and *Mahonia aquifolium* (Oregon grape) pursuant to the federal order which added these two species to its list.

Title 3
California Code of Regulations
AMEND: 3700(c)
Filed 09/12/07
Effective 09/12/07
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

Standardized Permit Application Procedures

This regulatory action establishes the standardized permit application requirements and clarifies the permit renewal application process for both the facilities with current permits and the Department's reviewers of applications. California's standardized permit tier applies only to those activities not regulated under the federal Resource Conservation Recovery Act (RCRA).

Title 22
California Code of Regulations
ADOPT: 66270.69.2 AMEND: 66270.67 (renumber to 66270.69.5), 66270.69 (renumber to 66270.69.1), 67800.1 (renumber to 66270.69.3), 67800.5 (renumber to 66270.69.4)
Filed 09/06/07
Effective 10/06/07
Agency Contact: Laura Hayashi (916) 322-6409

EDUCATION AUDIT APPEALS PANEL

Audits of K-12 LEAs — FY 2007-08

These amendments and adoptions to the Audit Guidelines for audits required by Education Code sections 14503 and 14502.1 are changes to be used in the performance of audits of K-12 LEAs (Local Education Agencies) in the fiscal year 2007-08.

Title 5
California Code of Regulations
ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854
Filed 09/10/07
Effective 09/10/07
Agency Contact: Carolyn Pirillo (916) 445-7745

EMPLOYMENT TRAINING PANEL

Temporary Agencies

This action amends the standard for retention in employment necessary for qualification of a worker's training for reimbursement under a training program funded by the Panel.

Title 22
California Code of Regulations
AMEND: 4427
Filed 09/05/07
Effective 10/05/07
Agency Contact:
Spencer Kenner (916) 327-5578

CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN APRIL 11, 2007 TO
SEPTEMBER 12, 2007

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

07/09/07 AMEND: 270
06/28/07 AMEND: 2616

Title 2

09/10/07 AMEND: 1183.13
09/04/07 ADOPT: 54700
08/31/07 ADOPT: 1859.180, 1859.181, 1859.182, 1859.183, 1859.184, Form SAB 50-11
AMEND: 1859.2, 1859.51, 1859.61, 1859.75.1, 1859.81, 1859.81.1, 1859.81.2, 1859.103, 1859.104, 1859.202, 1866, Form SAB 50-04, Form SAB 50-06
08/31/07 AMEND: 18109, 18204.5, 18208.5, 18215.2, 18228, 18236, 18241, 18306, 18315, 18323, 18325, 18350, 18404.2,

	18410, 18416, 18429, 18432, 18438, 18457, 18500, 18502, 18502.1, 18502.2, 18519.4, 18522, 18526.1, 18530.1, 18531.1, 18531.3, 18531.4, 18532, 18536.1, 18536.2, 18538, 18538.2, 18541, 18564, 18573, 18580, 18585, 18586, 18587, 18588, 18590, 18616.5, 18618, 18619, 18620, 18621, 18622, 18626, 18650, 18700.1, 18702.6, 18704.3, 18707.3, 18720, 18725, 18726, 18726.1, 18726.2, 18726.3, 18726.4, 18726.5, 18726.6, 18726.7, 18726.8, 18727, 18760, 18902, 18930.1, 18931, 18935, 18940.1, 18950.2, 18954		AMEND: 1859.2, 1859.51, 1859.61, 1859.61, 1859.70.3, 1859.71, 1859.78.9, 1859.83, 1859.93.2, 1859.160, 1859.161, 1859.162, 1859.163.1, 1859.163.2, 1859.163.3, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.167, 1859.167.1, 1866.4, 1866.13 REPEAL: 1859.162.1
08/03/07	AMEND: 58800	05/17/07	AMEND: 52900
08/02/07	ADOPT: 1700	05/14/07	AMEND: 599.664
07/18/07	AMEND: 1859.2, 1859.51, 1859.61, 1859.81, 1859.202, 1866	05/08/07	ADOPT: 1185.2, 1185.3, 1185.4 AMEND: 1185, 1185.01 (renumbered to 1185.1), 1185.02 (renumbered to 1185.5), 1185.03 (renumbered to 1185.6), 1185.1 (renumbered to 1185.7)
07/18/07	ADOPT: 7288.0, AMEND: 7288.0, 7288.1, 7288.2, 7288.3	05/08/07	AMEND: div. 8, ch. 48, sec. 53700
07/18/07	AMEND: 18361.2, 18361.4	04/30/07	AMEND: 1859.124.1
07/17/07	AMEND: 1859.2	04/25/07	AMEND: 1859.83, 1859.202, 1866
07/02/07	ADOPT: 18531.62 AMEND: 18544, 18545	04/16/07	AMEND: 18401
07/02/07	ADOPT: 1859.302, 1859.324.1, 1859.330 AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329	Title 3	
06/20/07	ADOPT: 1859.106.1 AMEND: 1859.106	09/12/07	AMEND: 3700(c)
06/15/07	AMEND: div. 8, ch. 111, sec. 59560	09/11/07	AMEND: 3433(b)
06/13/07	ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80 REPEAL: 20108.37	09/11/07	AMEND: 3591.5(a)
05/23/07	ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80	09/10/07	ADOPT: 1391, 1391.1
05/21/07	AMEND: 18402	09/05/07	ADOPT: 820.2, 820.7 AMEND: 820, 820.3, 820.4, 820.5, 820.6, 820.7 REPEAL: 820.6
05/17/07	ADOPT: 1859.70.4, 1859.71.6, 1859.77.4, 1859.162.1, 1859.162.2, 1859.162.3, 1859.163.4, 1859.163.5, 1859.163.6, 1859.163.7, 1859.169.1	08/21/07	AMEND: 3434
		08/10/07	ADOPT: 3152
		07/24/07	AMEND: 3591.6(a)(1)
		07/23/07	AMEND: 3589(a)
		07/20/07	AMEND: 3423(b)
		07/20/07	AMEND: 3591.6(a)(1)
		07/18/07	AMEND: 3434(b)
		07/13/07	AMEND: 3591.20(a)
		07/09/07	AMEND: 3433(b)
		07/06/07	AMEND: 3589(a)
		07/06/07	AMEND: 3591.2(a)
		06/21/07	AMEND: 3434(b), 3434(c)
		06/13/07	ADOPT: 6739 AMEND: 6000, 6720, 6738, 6793
		06/07/07	AMEND: 3434(b)
		06/06/07	AMEND: 3434(b)
		06/05/07	AMEND: 3591.20(a)
		05/31/07	ADOPT: 900, 900.1, 900.2, 901.5, 901.8, 901.9, 901.10, 901.11, 902, 902.1, 902.3, 902.4, 902.5, 902.6, 902.7, 902.8, 902.9, 902.10, 902.11, 902.12, 902.13, 902.14, 903, 903.1, 903.2, 903.3, 903.4, 903.5, 903.6, 903.7, 903.8, 903.9, 903.10, 903.11, 903.12
		05/07/07	AMEND: 6860

05/07/07	AMEND: 3433	55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161, 58161.5
05/03/07	ADOPT: 3035 REPEAL: 3035, 3035.1, 3035.2, 3035.3, 3035.4, 3035.5, 3035.6, 3035.7, 3035.8, 3035.9	AMEND: 55000, 55000.5, 55002, 55002.5, 55005, 55006, 55250, 55250.2, 55250.3, 55250.4, 55250.6, 55250.7, 55252, 55253, 55256, 55257, 55500, 55502, 55510, 55514, 55518, 55521, 55523, 55530, 55600, 55601, 55602.5, 55605, 55630, 55700, 55701, 55702, 55720, 55732, 56029, 58003.1, 58007, 58009, 58051
04/25/07	AMEND: 3433(b)	REPEAL: 55004, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161
04/23/07	AMEND: 3591.20	
04/20/07	AMEND: 3591.20(a)	
04/20/07	ADOPT: 3434	
Title 4		
09/04/07	AMEND: 12205.1, 12225.1	
05/30/07	AMEND: 1481	
05/08/07	AMEND: 1433	
05/07/07	AMEND: 1606	
04/24/07	ADOPT: 9071, 9072, 9073, 9074, 9075	
04/19/07	AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10188	
Title 5		
09/10/07	ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854	
08/27/07	ADOPT: 9517.2	
08/23/07	AMEND: 42000, 42002, 42003, 42005, 42006, 42007, 42008, 42009, 42010, 42011, 42012, 42013, 42018, 42019	
08/16/07	ADOPT: 18096 AMEND: 18078, 18081, 18084, 18085, 18089, 18090, 18100, 18107	
08/13/07	ADOPT: 17660, 17661, 17662, 17663, 17664, 17665, 17666, 17667	
08/09/07	AMEND: 80124, 80125	
07/31/07	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6,	
07/27/07	AMEND: 50500	07/17/07 AMEND: 58704, 58770, 58771.4, 58774, 58776, 58777 REPEAL: 58785
07/20/07	ADOPT: 58520	
07/17/07	ADOPT: 52000, 52010, 55003, 55007, 55020, 55021, 55022, 55023, 55024, 55025, 55030, 55031, 55032, 55033, 55034, 55035, 55040, 55041, 55042, 55043, 55044, 55050, 55051, 55052, 55060, 55061, 55062, 55063, 55064, 55070, 55072, 55080, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7,	06/05/07 AMEND: 19802 06/04/07 ADOPT: 11996, 11996.1, 11996.2, 11996.3, 11996.4, 11996.5, 11996.6, 11996.7, 11996.8, 11996.9, 11996.10, 11996.11 06/01/07 REPEAL: 41916 05/30/07 ADOPT: 30920, 30921, 30922, 30923, 30924, 30925, 30926, 30927 05/18/07 ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854 05/11/07 AMEND: 30023(c) 05/07/07 ADOPT: 30910, 30911, 30912, 30913, 30914, 30915, 30916, 30917 04/27/07 ADOPT: Art. 2.2 (subch.1, ch. 6), 55151, 55151.5, 55151.7, 58707, 58785, AMEND: 55002, 55150, 58160, 58704,

	58770, 58771, 58773, 58774, 58776, 58777, 58779 REPEAL: 58706, 58775		3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415
04/23/07	ADOPT: 30710, 30711, 30712, 30713, 30714, 30715, 30716, 30717, 30718	06/12/07	AMEND: 10501, 10508, 10511, 10515, 10518, 10522, 10524, 10527, 10529, 10532, 10533, 10545, 10547, 10550, 10561, 10568, 10606, 10608, 10609, 10613, 10615, 10620, 10626, 10630
04/17/07	AMEND: 18013, 18054, 18068		
Title 8			
08/22/07	AMEND: 14300.10, 14300.12, 14300.29, 14300.46	05/24/07	AMEND: 13035
08/21/07	AMEND: 1740	05/01/07	ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415
07/23/07	ADOPT: 32993 AMEND: 32990, 32992, 32994, 32995, 32996, 32997 REPEAL: 32991, 32993		
06/19/07	AMEND: 212.01		
06/15/07	ADOPT: 9792.20, 9792.21, 9792.22, 9792.23		
06/07/07	ADOPT: 9792.11, 9792.12, 9792.13, 9792.14, 9792.15		
06/01/07	AMEND: 4543		
05/23/07	AMEND: 5001		
05/23/07	AMEND: 9767.4, 9767.8, 9768.10, 9788.11		
05/21/07	AMEND: 9768.5, 9788.31		
05/16/07	AMEND: 8397.16		
04/27/07	AMEND: 1801, 8416		
04/26/07	ADOPT: 10225, 10225.1, 10225.2		
04/24/07	AMEND: 5004, 5047, 8379		
04/20/07	AMEND: 1620, 1626, 1629		
04/20/07	AMEND: 5148(c)		
04/18/07	AMEND: 20299, 20363, 20407		
Title 9			
08/27/07	AMEND: 7128		
08/23/07	ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140,		
Title 10			
		08/29/07	ADOPT: 2842 AMEND: 2848
		08/29/07	ADOPT: 3007.05, 3007.2 AMEND: 2805, 2809.3, 2840, 2849.01, 3005, 3006, 3007.3, 3011.4 REPEAL: 2840.1
		08/20/07	ADOPT: 2105.1, 2105.2, 2105.3, 2105.4, 2105.5, 2105.6, 2105.7, 2105.8, 2105.9, 2105.10, 2105.11, 2105.12, 2105.13, 2105.14, 2105.15, 2105.16, 2105.17, 2105.18, 2105.19
		08/13/07	ADOPT: 5357, 5357.1, 5357.2, 5358, 5358.1 AMEND: 5350, 5352
		07/31/07	AMEND: 2699.205, 2699.6600, 2699.6607, 2699.6608, 2699.6613, 2699.6629, 2699.6813
		07/26/07	ADOPT: 2355.1, 2355.2, 2355.3, 2355.4, 2355.5, 2355.6, 2355.7, 2355.8, 2356.1, 2356.2, 2356.3, 2356.4, 2356.5, 2356.6, 2356.7, 2356.8, 2356.9, 2357.1, 2357.2, 2357.3, 2357.4, 2357.5, 2357.6, 2357.7, 2357.8, 2357.9, 2357.10, 2357.11,

	2357.12, 2357.13, 2357.14, 2357.15, 2357.16, 2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.4, 2359.5, 2359.6, 2359.7 REPEAL: 2555, 2555.1, 2556, 2556.1, 2556.2		999.217, 999.218, 999.219, 999.220, 999.221, 999.222, 999.223
07/09/07	AMEND: 260.140.8, 260.140.41, 260.140.42, 260.140.45, 260.140.46	06/08/07	AMEND: 9072
06/28/07	AMEND: 2498.6	06/08/07	ADOPT: 9020 REPEAL: 1019
06/28/07	AMEND: 2498.6	06/06/07	AMEND: 1010 (renumber to 9030 to new Chapter 3)
06/28/07	AMEND: 2498.6	06/04/07	AMEND: 1081
06/28/07	AMEND: 2498.6	06/01/07	ADOPT: 999.6, 999.7, 999.8
06/28/07	AMEND: 2498.5	06/01/07	AMEND: 1005, 1007, 1008
06/28/07	AMEND: 2498.5	04/19/07	ADOPT: 64.5
06/28/07	AMEND: 2498.4.9	04/19/07	ADOPT: 64.4
06/28/07	AMEND: 2498.4.9	04/19/07	ADOPT: 64.6
06/28/07	AMEND: 2498.6	04/18/07	ADOPT: 64.3
05/01/07	AMEND: 2716.1, 2790.1.5, 2810.5 REPEAL: 2716, 2790.1, 2810	Title 13	
04/26/07	ADOPT: 5357, 5357.1, 5358, 5358.1 AMEND: 5350, 5352	09/11/07	AMEND: 1956.1, 1956.8
04/25/07	AMEND: 2697.6, 2697.61	08/22/07	ADOPT: 1300, 1400, 1401, 1402, 1403, 1404, 1405 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425, and Article 15 text
04/25/07	AMEND: 250.30	08/21/07	AMEND: 932, 934.1
04/24/07	AMEND: 2498.6	08/07/07	AMEND: 794
04/16/07	AMEND: 2318.6, 2353.1, 2354	07/25/07	AMEND: 156.00
Title 11		07/16/07	AMEND: 2111, 2112, 2411, 2412, 2413, 2415
08/08/07	AMEND: 1005, 1007, 1008	07/13/07	AMEND: 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610 REPEAL: 2611
08/01/07	AMEND: 1070, 1081, 1082	07/13/07	AMEND: 330.08
08/01/07	AMEND: 1070, 1081, 1082	07/11/07	ADOPT: 150.08
07/31/07	ADOPT: 999.100, 999.101, 999.102, 999.108, 999.114, 999.115, 999.121, 999.122, 999.128, 999.129, 999.130, 999.131, 999.132, 999.133, 999.134, 999.135, 999.136, 999.137, 999.138, 999.139, 999.140, 999.141, 999.142, 999.143, 999.144, 999.145, 999.146, 999.147, 999.148, 999.149, 999.150, 999.151, 999.152, 999.153, 999.154, 999.165, 999.166, 999.167, 999.168, 999.169, 999.170, 999.171, 999.172, 999.173, 999.174, 999.175, 999.176, 999.177, 999.178, 999.179, 999.190, 999.191, 999.192, 999.193, 999.194, 999.195, 999.196, 999.197, 999.203, 999.204, 999.205, 999.206, 999.207, 999.208, 999.209, 999.210, 999.211,	07/09/07	AMEND: 225.18, 225.39, 225.45, 225.54 and 225.63
		06/29/07	AMEND: 181.00
		05/23/07	AMEND: 2180.1, 2181, 2184, 2185, 2186, 2192, 2194 REPEAL: 2011
		05/01/07	ADOPT: 1300, 1400, 1401, 1402, 1403, 1404, 1405 REPEAL: 1300, 1301, 1302,

08/03/07 AMEND: 1399.541
 08/01/07 AMEND: 3340.16, 3340.42, 3392.2
 07/16/07 AMEND: 2670
 07/12/07 AMEND: 160
 07/11/07 AMEND: 68.3, 68.4, 88, 88.1, 88.2, 89, 99
 07/10/07 AMEND: 4114
 07/03/07 ADOPT: 4152.1
 06/22/07 AMEND: 1399.170.11
 06/20/07 AMEND: 3303.1
 06/15/07 AMEND: 2070, 2071
 06/12/07 AMEND: 1325, 1339, 1344, 1350.3, 1355.35
 05/30/07 ADOPT: 980.2, 980.3 AMEND: 980.1
 05/23/07 AMEND: 1706.2
 05/04/07 ADOPT: 2516.5, 2518.7, 2576.7
 AMEND: 2502, 2516, 2526, 2526.1, 2530, 2533, 2540.3, 2540.4, 2542.2, 2542.3, 2542.4, 2542.5, 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2547.2, 2547.3, 2547.4, 2547.5 2562, 2575, 2581, 2581.1, 2585, 2587, 2592.3, 2592.4, 2593, 2593, 2593.1, 2593.2, 2593.3, 2593.4
 04/27/07 AMEND: 1387, 1390.3
 04/20/07 AMEND: 2032.4, 2034, 2036, 2036.5

Title 17

08/28/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77
 08/27/07 AMEND: 93300.5
 08/08/07 ADOPT: 94201.1 AMEND: 94201, 94202, 94203, 94204, 94207, 94208, 94209, 94210, 94211, 94212
 07/30/07 AMEND: 2500, 2502, 2505
 07/24/07 ADOPT: 100085
 07/11/07 AMEND: 30315.33, 30316.60, 30317, 30319.20
 06/27/07 AMEND: 54342
 06/26/07 AMEND: 60201, 60202, 60205, 60210
 06/14/07 ADOPT: 100300, 100301, 100302, 100303, 100304, 100305, 100306, 100308, 100309, 100310
 05/04/07 ADOPT: 96100
 04/26/07 ADOPT: 93116.3.1 AMEND: 93115, 93116.2, 93116.3
 04/18/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77

Title 18

07/30/07 AMEND: 1591.2
 07/30/07 AMEND: 1591
 07/30/07 AMEND: 1591.4
 07/26/07 AMEND: 1586
 07/16/07 AMEND: 1603
 07/10/07 AMEND: 1660
 07/02/07 AMEND: 17952
 06/20/07 ADOPT: 25137-14
 06/05/07 AMEND: 1668
 06/04/07 ADOPT: 1671.1
 05/17/07 AMEND: 1802
 05/15/07 AMEND: 1703
 04/25/07 AMEND: 1620

Title 20

08/22/07 AMEND: 1602, 1604, 1606, 1607
 07/03/07 ADOPT: 1233.5, 1234, 1236.5, 1311, 1346, 1349, 2508 AMEND: 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1341, 1342, 1343, 1344, 1345, 1347, 1348, 1350, 1351, 2501, 2502, 2503, 2504, 2505, 2506, 2507 REPEAL: 1340
 06/11/07 AMEND: 4.1

Title 22

09/06/07 ADOPT: 66270.69.2 AMEND: 66270.67 (renumber to 66270.69.5), 66270.69 (renumber to 66270.69.1), 67800.1 (renumber to 66270.69.3), 67800.5 (renumber to 66270.69.4)
 09/05/07 AMEND: 4427
 08/31/07 AMEND: 12805
 08/08/07 ADOPT: 96040, 96041, 96042, 96043, 96044, 96045, 96046, 96050 AMEND: 96000
 07/18/07 ADOPT: 69109 AMEND: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107, 69108
 07/18/07 AMEND: 4401.5 REPEAL: 4401, 4402, 4432, 4441
 07/16/07 ADOPT: 50966 AMEND: 50961, 50962
 06/18/07 ADOPT: 67386.5, 67386.6, 67386.7, 67386.8, 67386.9, 67386.10, 67386.11, 67386.12 AMEND: 66261.9.5, Appendix XII, 67386.1, 67386.2, 67386.3, 67386.4
 04/23/07 ADOPT: 66261.9.5, 67386.1, 67386.2, 67386.3, 67386.4

04/20/07 ADOPT: 2708(d)–1(a), 2708(d)–1(b),
2708(d)–1(c)
04/19/07 AMEND: 5065, 5101, 5108
04/17/07 ADOPT: 40622, 40635.1, 40635.2,
40648, 40660, 40661, 40733, 40752
AMEND: 40603, 40635, 40743, 40747
REPEAL: 40753
04/13/07 ADOPT: 66267.10 AMEND: 66264.1,
66265.1, 66270.1

Title 22, MPP

08/07/07 ADOPT: 86500, 86501, 86505, 86505.1,
86506, 86507, 86508, 86509, 86510,
86511, 86512, 86517, 86518, 86519,
86519.1, 86519.2, 86520, 86521, 86522,
86523, 86524, 86526, 86527, 86528,
86529, 86531, 86531.1, 86531.2, 86534,
86535, 86536, 86540, 86542, 86544,
86545, 86546, 86552, 86553, 86554,
86555, 86555.1, 86558, 86559, 86561,
86562, 86563, 86564, 86565, 86565.2,
86565.5, 86566, 86568.1, 86568.2,
86568.4, 86570, 86572, 86572.1,
86572.2, 86574, 86575, 86576, 86577,
86578, 86578.1, 86579, 86580, 86586,
86587, 86587.1, 86587.2, 86588
AMEND: 11–400c, 11–402, 45–101(c),
45–202.5, 45–203.4, 45–301.1

Title 23

09/04/07 AMEND: 2053
08/27/07 AMEND: 2200, 2200.2, 2200.3, 2200.4,
2200.6 REPEAL: 2201
08/21/07 ADOPT: 3979.2
08/20/07 ADOPT: 3979.3
08/16/07 ADOPT: 3939.26

08/15/07 AMEND: 3939.10
08/14/07 ADOPT: 3939.25
08/09/07 ADOPT: 3949.4
08/02/07 ADOPT: 3967
06/27/07 ADOPT: 3002
06/19/07 ADOPT: 3949.3
05/21/07 ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2,
499.6.3 AMEND: 499.1, 499.2, 499.3,
499.4, 499.4.1, 499.5, 499.6, 499.6.1,
499.7, 499.8 REPEAL: 499.6.2
05/18/07 ADOPT: 3959
05/18/07 ADOPT: 3958
05/01/07 AMEND: 645
04/25/07 AMEND: 3983

Title 25

07/06/07 AMEND: 5060, 5061, 5062, 5064, 5520,
5521, 5530, 5540.1, 5575
05/23/07 AMEND: 6932

Title 27

08/21/07 ADOPT: 20939 AMEND: 20918, 20919,
20920, 29021, 20923, 20925, 20931,
20932, 20933, 20934, 20937 REPEAL:
20919.5
04/13/07 ADOPT: 15186, 15187, and 15188
AMEND: 15100, 15110, 15120, 15130,
15150, 15160, 15170, 15180, 15185,
15187.1 (renumber to 15189), 15190,
15200, 15210, 15220 (amendment and
renumbering of 15210(b) to 15220(a)),
15240, 15241, 15250, 15260, 15270,
15280, 15290

Title MPP

07/30/07 AMEND: 47–201, 47–401
06/26/07 AMEND: 40–118, 43–103, 44–209,
80–301, 82–808
06/25/07 AMEND: 47–110 and 47–301

